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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,983	02/20/2004	Robert S. Kolman	10030883-1	7150

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

SHRESTHA, KIRAN K

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,983

Applicant(s)

KOLMAN, ROBERT S.

Examiner

Kiran K. Shrestha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 20-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 20-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 20-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. This is in response to the amendment filed on July 6, 2007. The amendment cancelled claims 13-19 and amended 1-12, 20, 21, 23, 25, 27, 28, 32, 33, 35, 37, 39 and 40. Thus, claims 1-12 and 20-43 are currently pending and have been considered below.

Specification

2. The new Abstract overcomes the objection in paragraph of the April 2, 2007 office action. Therefore, the examiner hereby withdraws that objection.

Claim Rejections - 35 USC § 101

3. The amendment filed on July 6, 2007 amended claims 1-19 thereby overcoming the claim rejections – 35 USC § 101 of the April 2, 2007 office action. Therefore, the examiner hereby withdraws the objection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 20, 21, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lane et al. (US 5704051 A).

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Claim 1, 20 and 32: Lane discloses a computer system, method and program

comprising:

a display (column 1, Line 19);

a processor (column 2, Lines 61-62: "data processor");

a graphical user interface application (column 3, Lines 2-5: "user interface"),
executed by said processor, configured with capability to simultaneously render a
plurality of graphical elements in an image rendering space on said display, wherein a
plurality of said graphical elements are characterized by different element
characteristics (column 7, lines 45-55); said graphical user interface comprising:

a selection interface comprising a plurality of selectable graphical identifiers
(Column 5, lines 12-21: "secondary items such as 'Washington', 'Jefferson', 'Madison',
'Monroe', etc.") each of which is associated with a different respective one or more of
said different element characteristics (Column 5, lines 42-46: "items associated with
secondary items") and each of which is associated with a different unique rendering
color (Column 5, lines 46-49: "color coded for each of secondary items") that is used
when rendering said respective selectable graphical identifier when said respective
selectable graphical identifier is selected by a user (Column 5, lines 36-50); an input
interface which detects selection of any of said respective plurality of selectable
graphical identifiers (for example: Jefferson is selected from the items)(Column 5, lines
37-38); and a rendering function which, for each detected selected graphical identifier,
renders elements of said plurality of graphical elements that are characterized by said
respective one or more of said different element characteristics associated with said

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selected graphical identifier in said image rendering space of said display using said different unique rendering color associated with said selected graphical identifier (Column 5, lines 36-50: "items associated with Jefferson are displayed in the same color as color of Jefferson secondary item and differentiated from the other secondary items").

Claims 2, 21 and 33: Lane discloses the computer system, method and program of claims 1, 20 and 32 above, **Lane** further discloses, upon detection by said input interface of a newly selected one of any of said plurality of selectable graphical identifiers (Column 5, lines 12-21: "secondary items such as 'Washington', 'Jefferson', 'Madison', 'Monroe', etc.") that are not currently selected, said rendering function renders elements of said plurality of graphical elements that are characterized by said respective one or more of said different element characteristics (Column 5, lines 42-46: "items associated with secondary items") associated with said selected graphical identifier in said image rendering space of said display using said different unique rendering color associated with said selected graphical identifier (Column 5, lines 46-49: "color coded for each of secondary items" and Fig. 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-12, 22-31 and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al. (US 5,704,051 A) in view of Lee et al. (US 7,017,122 B1). **Claims 3, 22 and 34: Lane discloses** the computer system, method and program of claims 2, 21 and 33, Lane does not disclose "said rendering function re-renders said newly selected graphical identifier using said different unique rendering color associated with said newly selected graphical identifier". Lee discloses that rendering function re-renders newly selected graphical identifier (Lee, Column 4, lines 17-22: "menu items") using said different unique rendering color associated with said newly selected graphical identifier (Fig. 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include re-rendering function to re-render the selected graphical identifier in Lane's system. One would have been motivated to do so in order to efficiently display with different color features using a menu item (Lee, Column 4, lines 17-22).

Claims 4, 23 and 35: Lane discloses the computer system, method and program of claims 1, 20 and 32, Lane does not teach "upon detection by said input interface of de-selection of any currently selected graphical identifiers, said rendering function removes from said image rendering space of said display any element of said plurality of graphical elements that is not characterized by said respective one or more of said

different element characteristics associated with any of said remaining selected graphical identifiers". Lee does not mention "de-selection of any currently selected graphical identifiers, said rendering function removes from said image" but Lee does mention "if the step register is not of "1", that is, if more than two steps are displaced on the current screen, the current step menu is turned off.(S20)" (Fig. 3; Column 3, lines 50-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include remove function in Lane's systems. One would have been motivated to do so in order to efficiently free up screen space (Lee, Column 3, lines 50-55).

Claims 5, 24 and 36: Lane and Lee disclose the computer system, method and program of claims 4, 23 and 35, Lane does not teach "said rendering function re-renders said de-selected graphical identifier using a default color" but Lee does teach displaying menu with own color (Column 3, lines 4-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include menu with own color in Lane's systems. One would have been motivated to do so in order to efficiently differentiate menu items (Lee, Column 3, lines 4-8).

Claims 6, 25 and 37: Lane and Lee disclose the computer system, method and program of claims 3, 22 and 35, Lane does not teach "upon detection by said input interface of de-selection of any currently selected graphical identifiers, said rendering function removes from said image rendering space of said display any element of said

plurality of graphical elements that is not characterized by said respective one or more of said different element characteristics associated with any of said remaining selected graphical identifiers". Lee does not mention "de-selection of any currently selected graphical identifiers, said rendering function removes from said image" but Lee does mention "if the step register is not of "1", that is, if more than two steps are displaced on the current screen, the current step menu is turned off (S20)" (Fig. 3; Column 3, lines 50-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include remove function in Lane's systems. One would have been motivated to do so in order to efficiently free up screen space (Lee, Column 3, lines 50-55).

Claims 7, 26 and 38: Lane and Lee disclose the computer system, method and program of claims 6, 25 and 37, Lane does not teach "said rendering function re-renders said de-selected graphical identifier using a default color" but Lee does teach displaying menu with own color (Column 3, lines 4-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include menu with own color in Lane's systems. One would have been motivated to do so in order to efficiently differentiate menu items (Lee, Column 3, lines 4-8).

Claims 8, 27 and 39: Lane discloses the computer system, method and program of claims 1, 20 and 32, Lane does not teach "said rendering function renders any element of said plurality of graphical elements that is not characterized by said respective one or

more of said different element characteristics associated with any of said remaining selected graphical identifiers in said image rendering space of said display using a default rendering color that is different from any of said different unique rendering colors associated with any of said selected graphical identifiers" but Lee does teach displaying menu with own color (Column 3, lines 4-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include menu with own color in Lane's systems. One would have been motivated to do so in order to efficiently differentiate menu items (Lee, Column 3, lines 4-8).

Claims 9, 28 and 40: Lane and Lee disclose the computer system, method and program of claims 8, 27 and 39, Lane further discloses "upon detection by said input interface of a newly selected one of any of said plurality of selectable graphical identifiers that are not currently selected, said rendering function re-renders elements of said plurality of graphical elements that are characterized by said respective one or more of said different element characteristics associated with said newly selected graphical identifier in said image rendering space of said display using said different unique rendering color associated with said newly selected graphical identifier" (Fig. 4).

Claims 10, 29 and 41: Lane and Lee disclose the computer system, method and program of claims 9, 28 and 40, Lane does not disclose "said rendering function re-renders said newly selected graphical identifier using said different unique rendering color associated with said newly selected graphical identifier". Lee discloses that

rendering function re-renders newly selected graphical identifier (Lee, Column 4, lines 17-22: "menu items") using said different unique rendering color associated with said newly selected graphical identifier (Fig. 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include re-rendering function to re-render the selected graphical identifier in Lane's system. One would have been motivated to do so in order to efficiently display with different color features using a menu item (Lee, Column 4, lines 17-22: "menu items").

Claims 11, 30 and 42: Lane and Lee disclose the computer system, method and program of claims 9, 28 and 40, Lee further discloses "upon detection by said input interface of de-selection of any currently selected graphical identifiers, said rendering function re-renders in said image rendering space of said display screen any element that is not characterized by said respective one or more of said plurality of element characteristics associated with any of said selected graphical identifiers using said default rendering color" (Fig. 3; Column 3, lines 4-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include graphical identifiers with own color in Lane's systems. One would have been motivated to do so in order to efficiently differentiate graphical identifiers (Lee, Column 3, lines 4-8).

Claims 12, 31 and 43: Lane and Lee disclose the computer system, method and program of claims 11, 30 and 42, Lee further discloses "said rendering function re-

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renders said de-selected graphical identifier using said default color" (Lee, Column 3, lines 4-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include graphical identifiers with own color in Lane's systems. One would have been motivated to do so in order to efficiently differentiate graphical identifiers (Lee, Column 3, lines 4-8).

Response to Arguments

8. Applicant's arguments filed on July 6, 2007 have been fully considered but they are not persuasive.

The applicant argues that the prior art does not teach or suggest "a graphical user interface application, executed by said processor, configured with capability to simultaneously render a plurality of graphical elements in an image rendering space on said display, wherein a plurality of said graphical elements are characterized by different element characteristics".

In contrast to the applicant's argument, Lane does teach a data processing interface integrated with a hierarchical menuing system that provides multilevel menu structure as a continuous aspect of the screen display. The screen display is subdivided into a first data display segment window for the presentation of content information relating to a selected menu category item, and a second menu display segment for the presentation of menu item and path information, tracing the path to the current display of content information (column 3, Lines 2-14 and column 4, Lines 7-19).

The applicant argues that the prior art does not teach or suggest "an input interface which detects selection of any of said respective plurality of selectable graphical identifiers".

In contrast to the applicant's argument, Lane does teach Jefferson is selected from the items (Column 5, lines 37-38 and fig. 4).

The applicant argues that the prior art (Lee et al.) does not teach or suggest "a graphical user interface application, executed by said processor, configured with capability to simultaneously render a plurality of graphical elements in an image rendering space on said display, wherein a plurality of said graphical elements are characterized by different element characteristics".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lane does teach a data processing interface integrated with a hierarchical menuing system that provides multilevel menu structure as a continuous aspect of the screen display. The screen display is subdivided into a first data display segment window for the presentation of

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content information relating to a selected menu category item, and a second menu display segment for the presentation of menu item and path information, tracing the path to the current display of content information (column 3, Lines 2-14 and column 4, Lines 7-19).

Conclusion

9. 10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran K. Shrestha whose telephone number is 571-270-1691. The examiner can normally be reached on Mon- Fri (Alt. Fri Off) 0700-1630 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (571) 272-4048 Art Unit 2173. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.S.
KS

September 2007
TADDESSE HAILU
Patent Examiner

